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August 19, 2020

BY ECF

The Honorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

*Re: Federal Defenders of New York, Inc. v. Federal Bureau of Prisons, et al., No. 19
Civ. 660 (E.D.N.Y.)*

Dear Judge Brodie:

We write on behalf of the Federal Defenders, pursuant to the Court's Order dated August 7, 2020, to provide an update on the issues that the parties discussed at the last conference before Your Honor: (1) the resumption of in-person legal visiting, (2) capacity for legal VTCs and telephone calls, and (3) problems relating to legal mail.

In-person visiting. Earlier today, I, along with David Patton, Deirdre von Dornum, and the Honorable Loretta Lynch, participated in a walk-through of the legal visiting areas of the MDC. The purpose of the visit, as Your Honor knows, was to allow the Federal Defenders to identify issues with the protocols that will be used when in-person legal visiting resumes. We appreciate that the MDC was able to arrange the visit. We have sent the MDC a detailed list of concerns that we identified during the walk-through for discussion at a mediation session scheduled for tomorrow.

We had hoped to be able to report the same with respect to the MCC. The MCC had originally offered to arrange for a walk-through of legal visiting areas on Thursday, August 20, or Friday, August 21, at noon. After some back and forth discussion regarding what time of day would work for the walk-through, the MCC informed us that neither Thursday nor Friday would any longer work, and that no date prior to August 31 is possible due to staff vacation schedules. Given the importance and time sensitivities of the walk-through, we have inquired if arrangements can be made for coverage for whomever is on vacation to allow the walk-through to occur expeditiously. We are hopeful that the MCC will provide that information before Friday's conference.

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VTC and telephone call capacity. The continuation of evening call hours and the provision of additional VTC slots at both facilities has eliminated (as of this Tuesday) overflow requests at MDC entirely and has reduced the overflow at MCC to a small number of VTCs. Today we became aware of a chicken pox-related quarantine on the 7th floor at the MDC, which ordinarily has a high volume of call and VTC requests. We anticipate that this will require at least some VTCs at the MDC to be rescheduled. We will work with the MDC to address any overflow that results and will continue to work with both facilities regarding discrete issues with privacy, scheduled calls not being attempted, and VTC technical problems.

Legal mail. As the Federal Defenders previously reported, BOP officers destroyed and seized legal mail and other legal documents during a contraband sweep at the MDC between June 26 and June 29. E.D.N.Y. Civil Division has been helpful in replacing discovery documents; we have not received information to date about whether the seized documents, which include inmate's own notes and drafts, have been located.

* * *

We look forward to a productive conference on Friday.

Respectfully submitted,

/s/ Sean Hecker

Sean Hecker

cc: Counsel of Record (by ECF)
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